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12 *Attorneys for Plaintiff Rudolph Nicholson*

13 **IN THE UNITED STATES DISTRICT COURT**
14
FOR THE DISTRICT OF ARIZONA

15
16 **IN RE BARD IVC FILTERS**
17 **PRODUCTS LIABILITY LITIGATION**

18
19 No. MD-15-02641-PHX-DGC

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21 **AMENDED MASTER SHORT FORM**
22 **COMPLAINT FOR DAMAGES FOR**
23 **INDIVIDUAL CLAIMS**

24 Plaintiff(s) named below, for their Complaint against Defendants named below,
25 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).
26 Plaintiff(s) further show the Court as follows:

27 1. Plaintiff/Deceased Party:

28 RUDOLPH NICHOLSON

29 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
30 consortium claim:

31 N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

PENNSYLVANIA

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

PENNSYLVANIA

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

PENNSYLVANIA

7. District Court and Division in which venue would be proper absent direct filing:

MIDDLE DISTRICT OF PENNSYLVANIA HARRISBURG DIVISION

8 Defendants (check Defendants against whom Complaint is made):

C.R. Bard Inc.

Bard Peripheral Vascular, Inc.

8 Basis of Jurisdiction:

Diversity of Citizenship

□ **Other:**

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

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3 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a
4 claim (Check applicable Inferior Vena Cava Filter(s)):

5 Recovery® Vena Cava Filter
6 G2® Vena Cava Filter
7 G2® Express (G2®X) Vena Cava Filter
8 Eclipse® Vena Cava Filter
9 Meridian® Vena Cava Filter
10 Denali® Vena Cava Filter
11 Other: _____

12 11. Date of Implantation as to each product:

13 FEBRUARY 13, 2013

14 12. Counts in the Master Complaint brought by Plaintiff(s):

15 Count I: Strict Products Liability – Manufacturing Defect
16 Count II: Strict Products Liability – Information Defect (Failure to
17 Warn)
18 Count III: Strict Products Liability – Design Defect
19 Count IV: Negligence - Design
20 Count V: Negligence - Manufacture
21 Count VI: Negligence – Failure to Recall/Retrofit

1 Count VII: Negligence – Failure to Warn

2 Count VIII: Negligent Misrepresentation

3 Count IX: Negligence *Per Se*

4 Count X: Breach of Express Warranty

5 Count XI: Breach of Implied Warranty

6 Count XII: Fraudulent Misrepresentation

7 Count XIII: Fraudulent Concealment

8 Count XIV: Violations of Applicable Pennsylvania Kentucky Law
Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

9 Count XV: Loss of Consortium

10 Count XVI: Wrongful Death

11 Count XVII: Survival

12 Punitive Damages

13 Other(s): All claims for relief set forth in the Master Complaint for
an amount to be determined by the trier of fact.
(please state the facts supporting this Count in the space immediately
below)

20 Plaintiff demands a jury trial.

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RESPECTFULLY SUBMITTED this 17th day of March, 2016.

SHAW COWART, LLP

By: /s/ Ethan L. Shaw

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Attorneys for Plaintiff Rudolph Nicholson

Certificate of Service

I hereby certify that on this 17th day of March, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Ethan L. Shaw